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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

LA COSTA BEACH HOMEOWNERS'
ASSOCIATION, et al.,

Petitioners,

v.

CALIFORNIA STATE COASTAL
CONSERVANCY,

Respondent,

GAMMA FAMILY TRUST, BROAD REVOCABLE
TRUST and NANCY M. DALY LIVING TRUST,

Real Parties-in-Interest.

Case No.: BS063275

NON-OPPOSITION OF STATE
COASTAL CONSERVANCY TO
NOTICE OF RELATED CASES

Action Filed: 5/12/00

Trial Date: None set

Respondent California State Coastal Conservancy does not object to the Notice of Related Cases filed with respect to LaCosta Beach Homeowners' Association, et al. v. California Coastal Commission, No. BS 063276, pending in Department 86, and LaCosta Beach Homeowners' Association, et al. v. California State Coastal Conservancy, No. BS 063275, pending in Department 85. In the case against the Coastal Commission, petitioners challenge the

1 Coastal Commission's approval of a permit condition, requiring an offer to dedicate for public
2 use a fee interest in real property located at 21704 Pacific Coast Highway, Malibu. This offer to
3 dedicate would offset the loss of a view easement on real parties' property located elsewhere in
4 Malibu that would result from development by real parties of residences on their property. In the
5 case against the Coastal Conservancy, petitioners challenge the Coastal Conservancy's separate
6 decision to accept the offer of dedication made by real parties to satisfy the permit condition
7 imposed by the Coastal Commission for residential development of their property. In both cases,
8 the validity of the Coastal Commission's permit condition is a critical fact. The validity of the
9 permit condition requiring an offer of dedication of the property at 21704 Pacific Coast Highway
10 is a precondition and foundational fact for acceptance of the offer to dedicate by the Coastal
11 Conservancy. If the court determines that substantial evidence does not support the Coastal
12 Commission's determination, the permit decision would be remanded to the Coastal Commission
13 for further proceedings and the action against the Coastal Conservancy would become moot.
14 However, should the court determine that the Coastal Commission's action requiring the offer of
15 dedication was supported by substantial evidence, the case against the Coastal Conservancy
16 would proceed to determine whether the Coastal Conservancy acted reasonably in making its
17 quasi-legislative decision to accept the offer to dedicate the fee interest in the property.

18 Dated: April 16, 2001

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22 By 

23 PATRICIA SHEEHAN PETERSON
24 Deputy Attorney General

25 Attorneys for Respondent
26 State Coastal Conservancy
27
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DECLARATION OF SERVICE BY OVERNIGHT MAIL

Case Name: LA COSTA BEACH HOMEOWNERS' ASSOCIATION, et al. v. CALIFORNIA
STATE COASTAL CONSERVANCY

Case No.: Los Angeles County Superior Court No. BS063275

I declare that I am employed in the County of Alameda, State of California. I am over the age of 18 years and not a party to the within entitled cause; my business address is Office of the Attorney General, 1515 Clay Street, 20th Floor, Oakland, California. I am readily familiar with the business practice, at my place of business, for the collection and processing of correspondence for overnight mailing with **Golden State Overnight**. Correspondence so collected and processed is deposited with the service in the ordinary course of business on the same day to be delivered to addressee overnight.

On April 16, 2001, the following attached documents:

NON-OPPOSITION OF STATE COASTAL CONSERVANCY TO NOTICE OF RELATED CASES

was prepared by placing true and correct copies thereof enclosed in a sealed envelope and deposited in a box regularly maintained by this overnight service or picked up by driver authorized by this overnight service with delivery fees paid for overnight delivery, addressed as follows:

PATRICIA L. GLASER, ESQ. CLARE BRONOWSKI, ESQ. DAVID J. ALTMAN, ESQ. CHRISTENSEN, MILLER, FINK, JACOBS, GLASER, WEIL & SHAPIRO, LLP 2121 Avenue of the Stars, 18th Floor Los Angeles, CA 90067 Attorneys for Petitioners	ANDREW A. CUSHNIR, ESQ. 1999 Avenue of the Stars, 37th Floor Los Angeles, CA 90067 Attorney for Real Party Eli Broad NEDRA AUSTIN Deputy Attorney General Office of the Attorney General 300 S. Spring Street Los Angeles, CA 90013-1230 Attorneys for California Coastal Commissiion
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed at Oakland, California, on April 16, 2001.

Florita C. Mapalo
Print Name

Florita Mapalo
Signature

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